



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

SMC
Docket No: 05450-00
20 December 2000

E

Dear Chi

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 22 November 2000, a copy of which is attached, and a memorandum for the record dated 20 December 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. Notwithstanding the favorable advisory opinion, the Board was unable to find that the contested original performance evaluation report was either erroneous or unjust. In this connection, they particularly noted that the new facts on which the reporting senior says he based the supplemental report occurred, according to the memorandum for the record, after the reporting period in question. The Board found your having achieved compliance with the Navy physical readiness standards after the reporting period did not justify the changes the reporting senior made. Since your request for a special enlisted selection board for the Fiscal Year 2001 Naval Reserve Senior Chief Petty Officer Selection Board was contingent on favorable action on your request to correct your performance record, the Board did not consider your request for a special selection board. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
22 November 2000

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: ET [REDACTED], USNR([REDACTED])

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his original fitness report for the period 16 September 1998 to 15 September 1999 and replace it with a supplemental report for the same period.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the original fitness report to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The supplemental report was never received by PERS-311; however, the member provided a copy with his petition. We are in the process of having the supplemental fitness report and the reporting senior's cover letter placed in the member's digitized record.

b. The fitness report in question is a Periodic/Regular report. The member alleges the fitness report is adverse and incorrect. The report is procedurally correct.

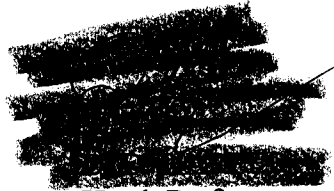
c. The supplemental report changes block-20 (Physical Readiness), block-35 (Military Bearing/Character), and block-41 (Comments on Performance). The member's promotion recommendation is the same on both reports.

d. Submission of the supplemental report was at the discretion of the reporting senior. The reporting senior's cover letter states facts that were not known at the time the original report was submitted. Also the member was not afforded an opportunity to view the report nor submit a rebuttal if he desired to until 10 May 2000.

e. The member proves the report to be unjust or in error.

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3. We recommend removal of the member's original report for the period in question and the reporting senior's cover letter to the supplemental report, leaving the supplemental report in his record.

A large, dark, rectangular redacted area covering the signature of the official.

Head, Performance
Evaluation Branch

545000 2000

20 December 2000

MEMO FOR RECORD

Re: Case of ETC [REDACTED]

On this date, I contacted E [REDACTED] and asked him whether the PRT he passed in September 1999 aboard the USS JOHN F. KENNEDY was during the period of the contested performance evaluation, which ended 15 September 1999. He said he did not recall the exact date, but was sure it was after 15 September.

[REDACTED]
[REDACTED]
[REDACTED] Performance Section